

United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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N. W. STOWELL,

Plaintiff in Error,

vs.

RIALTO IRRIGATION DISTRICT, a Corporation,

Defendant in Error.

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Transcript of Record.

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Upon Cross-Writ of Error to the United States District  
Court for the Southern District of California,  
Southern Division.

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*In the District Court of the United States for the  
Southern District of California, Southern Divi-  
sion.*

No. 1419.

N. W. STOWELL,

Plaintiff,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant.

**Writ of Error [Sued Out by N. W. Stowell  
(Original)].**

United States of America,  
Southern District of California,—ss.

The President of the United States of America to  
the Judges of the District Court of the United  
States, Southern District of California, South-  
ern Division, Greeting:

Because in the record and proceedings, and also  
in the rendition of the judgment of a plea which is  
in the said District Court before you, between N. W.  
Stowell, plaintiff, and Rialto Irrigation District, de-  
fendant, a manifest error, as appears from the as-  
signment of error on file herein, hath happened to  
the great damage of the said N. W. Stowell, plain-  
tiff, and it being fit that the error, if any there hath  
been, should be duly corrected, and full and speedy  
justice done to the parties aforesaid in this behalf,  
you are hereby commanded, if judgment be therein  
given, that then, under your seal, distinctly and  
openly, you send the records and proceedings afore-

said, with all things concerning the same, to the United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same at San Francisco, in the State of California, on the 5th day of May next, in the said United States Circuit Court of Appeals to be there and then held, that the record and proceedings aforesaid *be* inspected, the said United States Circuit Court of Appeals may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done. [3]

Witness, the Honorable EDWARD D. WHITE, Chief Justice of the United States, this 6th day of April, in the year of our Lord one thousand nine hundred and fourteen, and of the Independence of the United States the one hundred and thirty-eighth.

[Seal]

WM. M. VAN DYKE,

Clerk of the District Court of the United States, for the Southern District of California.

By Chas. N. Williams,

Deputy Clerk.

The above writ of error is hereby allowed.

OLIN WELLBORN,

Judge.

I hereby certify that a copy of the within writ of error was on the 6th day of April, 1914, lodged in the Clerk's Office of the said United States District

Court for the Southern District of California, for the said defendant in error.

WM. M. VAN DYKE,

Clerk of the United States District Court, Southern District of California.

By Chas. N. Williams,

Deputy Clerk. [4]

[Endorsed]: No. 1419. In the District Court of the United States for the Southern District of California, Southern Division. N. W. Stowell, Plaintiff, vs. Rialto Irrigation District, Defendant. Writ of Error. Filed Apr. 6, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. [5]

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*In the District Court of the United States, for the Southern District of California, Southern Division.*

No. 1419.

N. W. STOWELL,

Plaintiff,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant.

**Citation on Writ of Error [Sued Out by N. W. Stowell (Original)].**

United States of America,—ss.

To Rialto Irrigation District, Greeting:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be held at the city

of San Francisco, in the State of California, on the 5th day of May, 1914, pursuant to a writ of error on file in the clerk's office of the District Court of the United States, Southern District of California, Southern Division, in that certain action No. 1419, wherein N. W. Stowell, is plaintiff in error, and you are defendant in error, to show cause, if any there be, why the judgment given, made and rendered against said N. W. Stowell in said writ of error mentioned should not be reversed, and speedy justice should not be done to the parties in that behalf.

Witness the Honorable OLIN WELLBORN, United States District Judge for the Southern District of California, Southern Division, this 6th day of April, 1914, and of the Independence of the United States the 138th.

OLIN WELLBORN,  
United States District Judge for the Southern District of California, Southern Division. [6]

[Endorsed]: Original. No. 1419. In the District Court of the United States for the Southern District of California, Southern Division. N. W. Stowell, Plaintiff, vs. Rialto Irrigation District, Defendant. Citation on Writ of Error. Service of Writ of Error Waived. Rec'd Copy Hereof this 7th day of April, 1914. Henry Goodcell and F. A. Leonard, Attys. for Deft. Filed Apr. 20, 1914. Wm. M. Van Dyke, Clerk. By R. S. Zimmerman, Deputy Clerk. [7]



**Names and Addresses of Attorneys.**

For Plaintiff in Error:

BURT CHELLIS, Esq., Los Angeles, California; and

J. W. SWANWICK, Esq., 1116-1118 Hibernian Building, Los Angeles, California.

For Defendant in Error:

HENRY GOODCELL, Esq., Old Postoffice Block, San Bernardino, California; and

F. A. LEONARD, Esq., Old Postoffice Block, San Bernardino, California. [8]

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*In the District Court of the United States of America, in and for the Southern District of California, Southern Division.*

C. C. No. 1419.

N. W. STOWELL,

Plaintiff,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant. [9]

*In the District Court of the United States for the Southern District of California, Southern Division.*

No. 1419.

N. W. STOWELL,

Plaintiff,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant.

**Petition for a Writ of Error [on Behalf of N. W. Stowell].**

N. W. Stowell, plaintiff in the above-entitled cause, feeling himself aggrieved by the judgment entered on the 6th day of October, 1913, comes now by J. W. Swanwick, his attorney, and files herewith an assignment of error, and petitions said Court for an order allowing said plaintiff to procure a writ of error to the Honorable the United States Circuit Court of Appeals for the Ninth Circuit, under and according to the laws of the United States in that behalf made and provided, and also that an order be made fixing the amount of security which the plaintiff shall give and furnish upon said writ of error.

And your petitioner will ever pray.

Dated, April 3, 1914.

J. W. SWANWICK,  
Attorney for Petitioner.

[Endorsed]: No. 1419. In the District Court of the United States for the Southern District of California, Southern Division. N. W. Stowell, Plaintiff, vs. Rialto Irrigation District, Defendant. Petition for a Writ of Error. Filed Apr. 6, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Swanwick & McCormick, Attorneys at Law, 1116-1118 Hibernian Building, S. E. Cor. 4th & Spring Sts., Los Angeles, Cal. [10]



*In the District Court of the United States for the  
Southern District of California, Southern Divi-  
sion.*

No. 1419.

N. W. STOWELL,

Plaintiff,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant.

**Order Allowing Writ of Error [on Behalf of N. W.  
Stowell] and Fixing Amount of Security.**

Upon motion of J. W. Swanwick, attorney for plaintiff, and upon filing a petition for writ of error and an assignment of error, it is ordered that a writ of error, be, and hereby is, allowed to have reviewed in the United States Circuit Court of Appeals for the Ninth Circuit, the judgment heretofore entered herein.

It is further ordered that the amount of the bond to be given by the plaintiff in error be, and the same is hereby, fixed at \$300.00.

Dated, 6th April, 1914.

OLIN WELLBORN,

Judge.

[Endorsed]: No. 1419. In the District Court of the United States for the Southern District of California, Southern Division. N. W. Stowell, Plaintiff, vs. Rialto Irrigation District, Defendant. Order Allowing Writ of Error and Fixing Amount of Security. Filed Apr. 6, 1914. Wm. M. Van Dyke,

Clerk. By Chas. N. Williams, Deputy Clerk.  
Swanwick & McCormick, Attorneys at Law, 1116-  
1118 Hibernian Building, S. E. Cor. 4th & Spring  
Sts., Los Angeles, Cal. [11]

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*In the District Court of the United States for the  
Southern District of California, Southern Divi-  
sion.*

No. 1419.

N. W. STOWELL,

Plaintiff,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant.

**Assignment of Errors [on Behalf of N. W. Stowell].**

Comes now N. W. Stowell, plaintiff in the above-entitled action, and files the following assignment of errors, upon which he will rely upon his prosecution of the writ of error in the above-entitled cause, petition for which writ of error is filed at the same time with this assignment of error:

I.

The trial Court erred in failing to allow plaintiff interest upon the interest coupons mentioned and described in the complaint, amended complaint, and supplemental complaint herein.

II.

The trial Court should have given judgment for interest upon the interest coupons described in the complaint, amended complaint, and supplemental complaint herein from the date of the maturity of

each of said interest coupons to the date of the judgment herein, at the rate of 7% per annum.

### III.

Said Court erred in failing to give judgment for interest upon the interest coupons described in the complaint, the amended complaint, and supplemental complaint herein, as prayed for in said complaint, amended complaint, and supplemental complaint.

### IV.

Said Court gave judgment for plaintiff for the amount of principal of the interest coupons mentioned and described in the [12] complaint, amended complaint, and supplemental complaint herein, but did not give judgment for any interest upon any of said interest coupons and thereby committed error.

J. W. SWANWICK,  
Attorney for Plaintiff.

And upon the foregoing Assignment of Error and upon the record in said cause, plaintiff prays that an order be entered herein directing the trial Court to enter judgment herein for the principal of the installment coupons mentioned and described in the complaint, amended complaint, and supplemental complaint herein, and for the principal of the interest coupons mentioned and described in said complaint, amended complaint, and supplemental complaint, and for interest upon said interest coupons at the rate of 7% per annum from the date of the maturity of said respective interest coupons to the

date of the entry of said judgment at the rate of 7% per annum.

J. W. SWANWICK,  
Attorney for Plaintiff.

[Endorsed]: No. 1419. In the District Court of the United States for the Southern District of California, Southern Division. N. W. Stowell, Plaintiff, vs. Rialto Irrigation District, Defendant. Assignment of Errors. Filed Apr. 6, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Swanwick & McCormick, Attorneys at Law, 1116-1118 Hibernian Building, S. E. Cor. 4th & Spring Sts., Los Angeles, Cal. [13]

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*In the District Court of the United States for the  
Southern District of California, Southern Division.*

No. 1419.

N. W. STOWELL,

Plaintiff,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant.

**Bond [on Writ of Error Sued Out by N. W. Stowell].**

KNOW ALL MEN BY THESE PRESENTS: That we, E. M. Durant and W. E. Stowell, are held and firmly bound unto the above-named Rialto Irrigation District in the sum of three hundred dollars (\$300.00), to be paid to the said Rialto Irrigation District, for the payment of which, well and truly to be made, we bind ourselves and each of us, our

and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

Sealed with our seals and dated the 6 day of April, 1914.

Whereas, the above-named plaintiff, N. W. Stowell, has prosecuted his writ of error to the United States Circuit Court of Appeals for the Ninth Circuit, to reverse the judgment given in the above-entitled cause by the said District Court of the United States, Southern District of California, Southern Division.

Now, therefore, the condition of this obligation is such, that if the above-named N. W. Stowell shall prosecute said writ of error to effect and answer all judgments and costs if he fail to make said appeal good, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

E. M. DURANT.

W. E. STOWELL.

State of California,  
County of Los Angeles,—ss.

E. M. Durant, and W. E. Stowell, [14] the sureties whose names are subscribed to the above undertaking being severally duly sworn, each for himself says: That he is a resident and freeholder in the Southern District of the State of California, and is worth the sum in said undertaking specified as the penalty thereof, over and above his just debts and liabilities, exclusive of property exempt from execution.

E. M. DURANT,

W. E. STOWELL.



Subscribed and sworn to before me this 6 day of April, 1914.

[Seal]

CHAS. E. DONNELLY, Jr.

Notary Public in and for the County of Los Angeles,  
State of California.

[Endorsed]: No. 1419. In the District Court of the United States for the Southern District of California, Southern Division. N. W. Stowell, Plaintiff, vs. Rialto Irrigation District, Defendant. Bond—Approved. Olin Wellborn, Judge. Filed Apr. 6, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Swanwick & McCormick, Attorneys at Law, 1116-1118 Hibernian Building, S. E. Cor. 4th & Spring Sts., Los Angeles, Cal. [15]

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UNITED STATES OF AMERICA.

*District Court of the United States, Southern District of California, Southern Division.*

CLERK'S OFFICE.

C. C. No. 1419.

STOWELL

vs.

RIALTO IRRIGATION DISTRICT.

**Praeipie [for Transcript of Record on Cross-writ  
of Error].**

To the Clerk of Said Court:

Sir: Please add to the record ordered by the defendant in the above action the following papers on the part of plaintiff, viz.:



Petition for Writ of Error.

Order Allowing Writ.

Writ.

Assignment of Errors Bond.

J. W. SWANWICK,

Atty. for Plaintiff.

[Endorsed]: C. C. No. 1419. U. S. District Court, Southern District of California, Southern Division. Stowell vs. Rialto Irrigation District. Praecipe for Record on Writ of Error. Filed Aug. 19, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. [16]

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**[Certificate of Clerk U. S. District Court to  
Transcript of Record on Cross-Writ of Error.]**

*In the District Court of the United States, in and  
for the Southern District of California, South-  
ern Division.*

C. C. No. 1419.

N. W. STOWELL,

Plaintiff,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant.

I, Wm. M. Van Dyke, Clerk of the District Court of the United States of America, in and for the Southern District of California, do hereby certify the foregoing sixteen (16) typewritten pages, numbered from 1 to 16, inclusive, and comprised in one (1) volume, to be a full, true and correct copy of the Petition for Writ of Error, Order Allowing Writ of

Error, Assignment of Errors, Bond and Praeceptum for Transcript, in the above and therein entitled cause; and I do further certify that the foregoing constitutes the record in said cause as specified in said Praeceptum filed in my office by the attorneys of record for said plaintiff and plaintiff in error.

I do further certify that the cost of the foregoing record is \$5.60, the amount whereof has been paid me by N. W. Stowell, the plaintiff in error in said cause.

In testimony whereof, I have hereunto set my hand and affixed the seal of the District Court of the United States of America, in and for the Southern District of California, Southern Division, this 25th day of September, in the year of our Lord one thousand nine hundred and fourteen, and of our Independence the one hundred and thirty-ninth.

[Seal]

WM. M. VAN DYKE,

Clerk of the District Court of the United States of America, in and for the Southern District of California. [17]

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[Endorsed]: No. 2491. United States Circuit Court of Appeals for the Ninth Circuit. N. W. Stowell, Plaintiff in Error, vs. Rialto Irrigation District, a Corporation, Defendant in Error. Transcript of Record. Upon Cross-Writ of Error to the

United States District Court for the Southern District of California, Southern Division.

Received and filed September 29, 1914.

FRANK D. MONCKTON,

Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Meredith Sawyer,  
Deputy Clerk.

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**[Order Extending Time to June 1, 1914, to Docket  
Cause on Cross-Writ of Error.]**

*In the United States Circuit Court of Appeals,  
Ninth Judicial Circuit.*

N. W. STOWELL,

Plaintiff in Error,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant in Error.

Good cause appearing therefor, it is hereby ordered, that the time heretofore allowed said plaintiff in error to docket said cause and file the record thereof, with the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, be and the same hereby is enlarged and extended to and including the 1st day of June, 1914.

Los Angeles, April 10th, 1914.

OLIN WELLBORN,

United States District Judge, for the Southern District of California.

[Endorsed]: No. —. United States Circuit Court of Appeals for the Ninth Circuit. N. W.

Stowell, Plaintiff in Error, vs. Rialto Irrigation District, Defendant in Error. Order Enlarging Time to Docket Cause and File the Record. Filed Apr. 13, 1914. F. D. Monckton, Clerk.

**[Order Extending Time to August 1, 1914, to Docket Cause on Cross-Writ of Error.]**

*In the United States Circuit Court of Appeals,  
Ninth Judicial Circuit.*

N. W. STOWELL,

Plaintiff in Error,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant in Error.

Good cause appearing therefor, it is hereby ordered that the time heretofore allowed said plaintiff in error to docket said cause and file the record thereof, with the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, be and the same hereby is enlarged and extended to and including the 1st day of August, 1914.

Los Angeles, May 27th, 1914.

OLIN WELLBORN,

United States District Judge, Southern District of California.

[Endorsed]: No. ——. United States Circuit Court of Appeals for the Ninth Circuit. N. W. Stowell, Plaintiff in Error, vs. Rialto Irrigation District, Defendant in Error. Order Enlarging Time to File Record, etc. Filed Jun. 2, 1914. F. D. Monckton, Clerk.

**[Order Extending Time to October 1, 1914, to Docket  
Cause on Cross-Writ of Error.]**

*In the United States Circuit Court of Appeals,  
Ninth Judicial Circuit.*

N. W. STOWELL,

Plaintiff in Error,

vs.

RIALTO IRRIGATION DISTRICT,

Defendant in Error.

Good cause appearing therefor, it is hereby ordered, that the time heretofore allowed said plaintiff in error to docket said cause and file the record thereof, with the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, be and the same hereby is enlarged and extended to and including the 1st day of October, 1914.

Los Angeles, July 28th, 1914.

OLIN WELLBORN,

United States District Judge for the Southern District of California.

[Endorsed]: No. —. United States Circuit Court of Appeals for the Ninth Circuit. N. W. Stowell, Plaintiff in Error, vs. Rialto Irrigation District, Defendant in Error. Order Enlarging Time to Docket Cause and File Record. Filed Jul. 30, 1914. F. D. Monckton, Clerk.

No. 2491. United States Circuit Court of Appeals for the Ninth Circuit. Three Orders Under Rule 16 Enlarging Time to Oct. 1, 1914, to File Record Thereof and to Docket Case. Refiled Sep. 29, 1914. F. D. Monckton, Clerk.

